

Exhibit A

CORONAVIRUS UPDATES



Student Code of Conduct

Each student shall be responsible for their conduct from the time of admission through the actual awarding of a degree, even though that conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. The Student Code of Conduct shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.

The health and safety of every student at St. John's University is of utmost importance. St. John's University recognizes that students who have been drinking or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking or sexual assault, may be hesitant to report such incidents due to fear of potential consequences for their own conduct. St. John's University strongly encourages students to report domestic violence, dating violence, stalking or sexual assault to a member of the University community. A bystander acting in good faith or a reporting individual acting in good faith who discloses any incident of domestic violence, dating violence, stalking or sexual assault to a member of the University community or law enforcement shall not be subject to Student Code of Conduct action for violations of the Alcohol or Drugs policy.

Section A: Affirmative Consent

Affirmative consent is defined as a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage

in sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression. All references to "consent" in this policy shall mean affirmative consent as defined in this policy.

The following principles, along with the above definition, will be used to evaluate whether affirmative consent was given:

- Consent to one form of sexual contact (such as kissing or fondling) or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other forms of sexual activity or to sexual activity in the future.
- A current or previous dating relationship is not sufficient to constitute consent.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time during sexual activity by expressing in words or actions that they no longer want the sexual activity to continue.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force or threat of harm.

In accordance with New York state law, a person who is less than 17 years of age is incapable of consenting to sexual activity.

When consent is withdrawn or can no longer be given, sexual activity must stop.

Section B: Student Code of Conduct

The following behaviors do not meet the expectations of a student or student organization at St. John's University, and are therefore considered violations of the Student Code of Conduct and are subject to disciplinary action.

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Alcohol

The sale, use, distribution, consumption or procurement of alcoholic beverages on University premises is prohibited, except when student attendance is permitted at a University-sponsored event. The sale, use, distribution, consumption or procurement of alcoholic beverages for anyone who is under the age of twenty-one (21); being in the presence of alcohol on University premises; suspicion of alcohol intoxication. Students are expected to abide by all federal and state laws regarding alcohol.

Assault

Inflicting bodily harm upon any person.

Bias and Discrimination

Any verbal or physical action committed against or directed toward a person or property that is influenced, in whole or in part, by another person's actual or perceived status with respect to race, religion, color, national or ethnic origin, age, sex, gender, sexual orientation, marital status, citizenship status, disability, genetic information, status as a victim of domestic violence or status in the uniformed services of the United States, or other protected classes as required by law.

Civil/Criminal Law

Any student who is found responsible for violating any state, federal or local law may be subject to disciplinary action for said offenses.

Compliance

Failure to comply with the directions or requests of a member of the University community acting in the performance of their duties. Failure to comply with written directives such as a No Contact Order.

Compliance with Emergency Regulations

Failure to comply with specific emergency regulations and evacuation procedures for buildings on University premises.

Compliance with Student Conduct Process

Failure to complete the sanctions imposed on a student who previously participated in the student conduct process.

Complicity

Attempts to commit acts prohibited by the Student Code of Conduct or encouraging others to commit acts prohibited by the Student Code of Conduct. A student may be found complicit if they are aware of a violation of the Student Code of Conduct and has the ability to report the violation, but fails to do so or fails to remove oneself from reasonable proximity of the violation.

Computing and Cyber Harassment

Using information and communication technologies as means of intimidation, harassment or unwarranted interruption. This includes, but is not limited to, email, social media, the Internet, smart phone or tablet applications, cellular phones and video recorders. The procurement and/or transmission of videos or photographs of another individual without their express permission are prohibited.

Damage to Property

Damaging property of the University or that of a member of the University community, a campus visitor while on University premises, or the property of a local resident.

Dating Violence

Dating violence refers to any violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the reporting party. The existence of such a relationship shall be determined with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence.

Disorderly Conduct

Engaging in behavior that is destructive, dangerous, harmful, obstructive or disorderly. Conduct that is unreasonable in the time, place or manner in which it occurs.

Domestic Violence

Domestic violence refers to violence committed by a current or former spouse or intimate partner of the reporting party; by a person with whom the reporting party shares a child in common; by a person who is cohabitating with, or has cohabitated with, the reporting party as a spouse or intimate partner; by a person similarly situated to a spouse of the reporting party under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Drugs

The use, possession, distribution or manufacturing of narcotic or dangerous drugs or any illegal or controlled substances, except as expressly permitted by law or those prescribed by a physician and kept in their labeled containers. Use, possession, distribution or the manufacturing of plants or chemicals to induce an altered state of consciousness is prohibited. Students are expected to abide by all federal and state laws regarding illegal or controlled substances.

False Information

Knowingly furnishing false information to a member of the University community.

False Reporting of an Emergency

Intentionally making a false report of a bomb, fire, attack or other emergency.

Fire Safety

Tampering with or misusing fire alarms or obstructing the functioning of fire alarms, fire exits, fire-fighting equipment, smoke/heat detectors and sprinkler systems on University premises. Additionally, causing or creating a fire; the use of all open flame devices such as (but not limited to): incense, candles, kerosene lamps, hibachis, and barbecue grills; the use of natural trees or wreaths; and the use of any and all fireworks.

Forgery/Fraud

Forgery, alteration or misuse of University documents, records or identification.

Gambling

Gambling in any form is prohibited on all University premises.

Harassment

Any behavior (verbal, written, or physical) that abuses, assails, intimidates, demeans, victimizes or has the effect of creating a hostile environment for any person. Threatening by any means of transmission the use of force to harm or injure any person.

Hazing

Hazing is defined as any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation or admission into, or affiliation with, any student organization. Individuals who witness hazing while not actively participating may be held accountable for their actions or inactions. Hazing includes, but is not limited to:

- behavior could be seen by a reasonable person as pressuring or coercing the student into violating state or federal law;
- any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, alcohol, liquor, drug, or other

substance, or other forced physical activity that could adversely affect the physical health or safety of the student;

- any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student;
- destroys or removes public or private property; or
- violates any University policy.

It is not a legitimate defense to a hazing offense when the accused student or student organization claims that (1) any or all participants consented to the documented conduct; (2) the conduct was not part of an official organizational event or otherwise sanctioned or approved by the student organization; or (3) the documented conduct or activity was not an explicit condition of membership to or affiliation with a student organization.

For information on hazing prevention initiatives, please visit www.hazingprevention.org.

Keys

Unauthorized possession, duplication or use of keys or StormCards to University facilities.

Misconduct

Misconduct means any conduct that reflects a failure to live up to the expectations of all St. John's students. This includes, but is not limited to:

- the possession on University premises of any type of paraphernalia analogous to the consumption of alcohol;
- possessing alcohol containers on University premises;
- the possession of any type of paraphernalia analogous with the use, distribution or sale of illegal substances/narcotic drugs (e.g. scales, bongs, gutted cigars, rolling papers, pipes, glassine baggies);
- being in the presence of the use of narcotic or dangerous drugs and/or illegal or controlled substances on University premises or off-campus;
- admission to previous drug use;

- the possession of any item that may be deemed a risk to the health and safety of a St. John's University student, a member of the University community or a visitor to the University; or
- taking or retaining property from any campus location which is not immediately brought to the Public Safety Command Center.

Mission Statement and Core Values

Any conduct which is inconsistent with the Mission Statement and/or Core Values of St. John's University.

Pets

All pets are prohibited on University premises, except for authorized service animals and emotional support animals.

Retaliation

Retaliation for reporting any allegations of student misconduct is in itself a violation of the Student Code of Conduct. This also protects retaliation against any participant in the student conduct process. Incidents of retaliation should be reported to the Office of Student Conduct immediately.

Residence Hall Policies and Procedures

Resident students shall also refer to the Residence Life Community Standards for a specific list of policies and procedures with which they are to comply.

Sexual Misconduct

St. John's University does not tolerate sexual misconduct. The University is committed to address these behaviors, as they are antithetical to our mission, values and standards.

Sexual misconduct includes exposing a person to a range of unwelcome behavior of a sexual nature that is committed without consent or by intimidation, coercion, threat

or force. Sexual misconduct includes, but is not limited to, sex discrimination, sexual harassment, sexual assault, sexual coercion and sexual exploitation.

Sexual misconduct can occur between strangers or acquaintances, as well as people involved in intimate or sexual relationships. Sexual misconduct can occur between individuals of the same gender or of different genders, and in any type of sexual relationship.

The consumption of alcohol or the use of illegal substances does not constitute a mitigating circumstance when it contributes to a violation regarding sexual misconduct. For more information, please see Sexual Assault: You Are Not Alone.

Sexually Inappropriate Conduct: Unwelcome sexual conduct that may not rise to the level of Sexual Harassment or Sexual Exploitation, but that is sexual in nature. Examples include, but are not limited to, posting or showing sexually explicit or offensive material; an isolated occurrence of obscene or sexually offensive gestures and comments; lewdness; exposure of one's self to another person without that person's consent.

Sexual Exploitation: Any act whereby one person takes sexual advantage of another who has not provided consent. Sexual exploitation occurs when the perpetrator acts for their own advantage or benefit, or for the benefit or advantage of anyone other than the person being exploited. Sexual exploitation includes the exposure of one's self to another person without that person's consent; recording, photographing, transmitting, viewing or distributing intimate or sexual images or sexual information without the knowledge and consent of all parties involved; observing others who are engaged in intimate or sexual situations without permission; acts of incest; or engaging in consensual activity with another person while knowingly infected with HIV or some other sexually transmitted disease without informing the other person of such infection. Sexual exploitation also includes the practice of covertly removing or damaging a barrier device during sexual intercourse without the consent of all parties.

Sexual Harassment: Unwelcome conduct, based on sex or on gender stereotypes, that a reasonable person would find intimidating, hostile, or offensive. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic or physical conduct of a sexual nature.

Sexual Assault

Nonconsensual Sexual Contact: Any intentional sexual contact with another person, however slight, that occurs without that person's consent. This includes oral or genital contact not involving penetration; forceful use of an object not involving penetration; contact with the breasts, buttocks or genital area, (including over a person's clothing); removing the clothing of another person without consent; or kissing without consent. Sexually touching another individual by the threat of force, or intentional contact of a sexual nature with a person who is incapacitated at the time, is also considered nonconsensual sexual contact. This also includes other intentional actions that may be construed as having a sexual nature.

Nonconsensual Sexual Penetration: Any act of oral, vaginal or anal penetration by a person's penis, finger, body part or an object without consent.

Smoking

The use of any product or device conducive to the act of smoking, including (but not limited to) cigarettes, cigars, electronic cigarettes, vape pens, water pipes and vaporizers. Smoking is prohibited in all University buildings. Smoking is prohibited outdoors within thirty (30) feet of building entrances and open windows. Students must follow smoking regulations for all University premises.

Solicitation

Soliciting for donations, soliciting for business, advertising or selling items.

Stalking

Stalking refers to engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or to suffer substantial emotional distress.

Theft

Attempted or actual theft of personal, private or public property, either on-campus or off-campus. This includes, but is not limited to, property of the University; property

of a member of the University community; property of a campus visitor while on University premises or at University-sponsored activities.

University Facilities

The unauthorized entry to or use of University facilities including opening windows or locked doors to allow the entry or exit of unauthorized students or guests.

University Identification

The misuse or transfer of University identification, the StormCard. This includes, but is not limited to, transfer of the StormCard to gain entry to University buildings or to use any of the accounts on the StormCard in order to procure University services. StormCards must be carried at all times on University premises. Lending a StormCard to anyone or failure to present it when requested by a member of the University community are considered to be violations.

University Name and Related Graphics

Students of the University, whether individually or collectively, shall not use the name of St. John's University or the names of its units for any activity outside the regular work of the University. The crest and seal of St. John's University are exclusive property of St. John's University. The use of the crest and/or the seal is prohibited except with the expressed permission of the Secretary of the University.

Weapons and Explosives

The University expressly prohibits on University-owned or controlled property or at University-sponsored functions the possession, display, use or distribution of any weapon to include any firearm (including air-or gas-powered firearms), pistol, revolver, shotgun, rifle, assault weapon, ammunition, explosive, firework, stun gun, switchblade and other automatic knife, and other deadly or dangerous weapons, such as are defined in New York Penal Law Article 265. This prohibition extends to imitation firearms and other objects that can be construed or used as weapons, and to items that pose a potential hazard to the safety or health of others; and unauthorized hazardous materials or chemicals. Exceptions to this policy, particularly for

educational or performance purposes, must receive specific, written authorization from the Executive Director of Public Safety and Risk Management.



ST. JOHN'S
UNIVERSITY

Contact Us

Admission: 718-990-2000

8000 Utopia Parkway, Queens, NY 11439

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Student Conduct Process

1. [Home](#)
2. [Life at St. John's](#)
3. [Student Conduct](#)
4. Student Conduct Process

Student Conduct

These policies went in to effect on August 16, 2016, and remain in effect until further notice. Policies are reviewed annually and subject to future revision.

Conduct Process

These policies went in to effect on August 16, 2016, and remain in effect until further notice. Policies are reviewed annually and subject to future revision.

Initiation of Student Conduct

Section A: Commencing the Process by Filing an Incident Report

Any member of the University community may report an alleged violation of the Student Code of Conduct, in writing or in person, to the Department of Public Safety, the Dean of Students or a Student Conduct Administrator. An incident report is a written description of an alleged violation of the Student Code of Conduct.

Upon receipt of the incident report, a Student Conduct Administrator or designee shall determine whether the student listed in the incident report shall be referred to the student conduct process. If the Student Conduct Administrator or designee finds sufficient reason to make a formal charge against the student, the Student Conduct Administrator or designee shall inform the student in writing of the charge(s) via the student's St. John's email account. Students shall be responsible to maintain and regularly check their email account. The Student Conduct Administrator may consider mitigating circumstances when deciding to make formal charges.

The meeting notification shall state: (1) the date and general location of the incident; (2) the clause(s) in the Student Code of Conduct that the student is accused of violating and (3) the date, time and location the student has been scheduled to meet with a Student Conduct Administrator.

Any member of the University community may report an instance involving sexual misconduct, dating violence, domestic violence or stalking, in writing or in person, to any member of the University community including, but not limited to the Dean of Students and/or the Department of Public Safety. Any reported complaint regarding sexual misconduct or gender discrimination shall be reported to [Public Safety](#) and the [Title IX Coordinator](#). The Title IX Coordinator shall

review the complaint and may designate the appropriate individuals to conduct a preliminary review.

At any time during the investigation process for matters involving sexual misconduct, dating violence, domestic violence or stalking, the Title IX Coordinator may authorize appropriate interim actions in addition to those issued by the Student Conduct Administrator.

Section B: Interim Actions

At any time during the Student Conduct Process, and at the discretion of the Vice President of Student Affairs, the Dean of Students or designee, a student may be issued an interim action. The complainant may also request interim actions. These requests will be reviewed by the Dean of Students or designee and may be implemented if reasonable at his/her discretion. This includes, but is not limited to:

- an interim suspension;
- a “no contact” order with the student who raised the concern or with other students involved or with knowledge of the matter;
- limitation of access to designated University facilities and/or residence halls by time and location;
- limitation of privileges to engage in specified University activities; and/or
- reassignment to alternate housing or removal from housing.

An interim suspension may include a denial of access to University-managed living properties, or to all University premises (including classes) and to all other University activities or events that the student might otherwise be eligible to participate in or attend.

Interim actions may be issued in the following circumstances: (1) to ensure the physical or emotional safety and well-being of members of the University or its property; (2) to ensure the student’s own physical or emotional safety and well-being; or (3) if the student poses an ongoing threat or disruption of the normal operations of the University.

Interim actions, including interim suspension, may be utilized for any student accused of a violation. Students accused of violations are not permitted to have any contact with the complainant regardless of the issuing of the interim action.

Once imposed, an interim suspension takes effect immediately. A suspension pending a hearing is not a University sanction, and no notation of it will be made in the student’s transcript or file.

Section C: Violations of Criminal Statutes, Laws, Regulations

If a student is charged with the violation of a state or federal criminal statute (or its equivalent in another jurisdiction), the determination to proceed with the Student Conduct Process concurrently with the legal system is in the discretion of the Dean of Students or designee. In cases of sexual misconduct the University shall proceed with an investigation and a hearing. When a response to the criminal action proceeds concurrently with the University’s

investigation, the University may exercise discretion in extending its investigation with a brief delay. Any determinations regarding violations of the Student Code of Conduct are made independent of law enforcement disposition of the matter. The University does not offer legal advice or counsel to students facing criminal charges.

Behavioral Hearings

Section A: Behavioral Hearing

The Behavioral Hearing is a meeting with the Student Conduct Administrator or designee where the student may review the incident, respond to the charges and discuss the circumstances.

The Student Conduct Administrator or designee may, at his or her discretion, make a determination concerning the student's responsibility and the sanctions he or she must complete. The Student Conduct Administrator or designee may also provide verbal notice whether the case will be directly referred to the Student Conduct Board or the University Conduct Board.

Section B: Failure to Attend Behavioral Hearing

Students who fail to attend the Behavioral Hearing waive their right to review the incident and respond to the charges. In these cases, the Student Conduct Administrator or designee shall administer findings and sanctions in their absence or forward the case to the Student Conduct Board or University Conduct Board. A student's failure to check his or her St. John's email account is not considered an excuse for not attending a scheduled Behavioral Hearing.

Section C: Behavioral Hearing Outcomes

The following are possible outcomes of the Behavioral Hearing:

Not in Violation: If the Student Conduct Administrator or designee determines at the conclusion of the investigation process that the student has not violated the Student Code of Conduct, the student shall be found Not in Violation and the Student Conduct Administrator or designee shall confirm the decision in writing.

In Violation: If the student takes responsibility for a violation or violations of the Student Code of Conduct, or if it is determined that the student has violated the Student Code of Conduct, but the matter does not warrant a referral to a hearing board, the Student Conduct Administrator or designee shall resolve the matter at his or her sole discretion. In this instance, the Student Conduct Administrator or designee shall issue sanctions as set forth in this Student Conduct Process. This administrative determination shall be presented to the student in writing containing a confirmation of the violation the student was found responsible for and a statement of the sanction(s) to be imposed.

Referral to Student Conduct Board or University Conduct Board: If after the Behavioral Hearing, the Student Conduct Administrator or designee decides that another hearing body should

determine the matter, the Student Conduct Administrator or designee may refer the matter to either the Student Conduct Board or University Conduct Board. All matters involving allegations of sexual misconduct, dating violence, domestic violence or stalking shall be referred to the University Conduct Board.

A matter may be referred to the University Conduct Board when it: (1) involves behavior the University determines to be of an egregious nature; or (2) could result in a suspension or expulsion. A matter may still be referred to the Student Conduct Board when they are of a less serious nature and when there is no possibility of suspension or expulsion.

Section D: Appeals of Behavioral Hearing Outcomes

Any sanction imposed shall be immediately effective and shall remain in effect for the duration of the student conduct process through the conclusion of the appeal process.

A decision by a Student Conduct Administrator may be appealed in writing to the Dean of Students or designee within seven (7) business days of delivery of the decision letter. An appeal may be granted only when it is demonstrated that: (1) the student has presented information that indicates an omission in the Student Conduct Process that may have affected the final outcome of the decision; or (2) there is new evidence which did not exist at the time of the hearing that would have a bearing on the original finding. If an appeal is upheld, the Dean of Students or designee will have the option of referring the matter back to the original hearing body for the re-opening of the Student Conduct Process; or to make a determination on the appropriateness of the decision and/or the imposed sanctions. If an appeal is not upheld, the matter shall be considered final and binding upon all involved.

University and Student Conduct Board Hearings

When an alleged violation is not resolved through the Behavioral Hearing process, there shall be the following hearing boards:

- Student Conduct Board, Queens Campus
- Student Conduct Board, Staten Island Campus
- University Conduct Board

Section A: Composition

Members of the University Conduct Board may hear matters on any campus. The University Conduct Board shall consist of students, faculty members and administrators from the Queens or Staten Island campuses.

At the commencement of the academic year, the Vice President for Student Affairs or designee will select student candidates for service. The candidates will include undergraduate and graduate students.

Section B: Hearing Boards

University Conduct Board: Each University Conduct Board hearing may be conducted before a hearing panel consisting of a minimum of three (3) members of the University Conduct Board.

Each panel may consist of faculty members, administrators or students. In cases involving sexual misconduct, students shall not serve as members on the University Conduct Board, nor shall students serve on the University Student Conduct Appeal Board. All panel members receive annual and ongoing in-service training on issues related to domestic violence, intimate partner violence (dating violence), sexual assault, stalking, sexual harassment and how to conduct inquiries and a hearing process that protects student safety and promotes accountability.

The Chair shall be responsible for conducting the hearing in an orderly and efficient manner and, for that purpose, may make decisions related to admission of evidence and witness testimony. The purpose of the hearing is to make findings of fact with respect to the matter before the panel and for that reason character witness testimony shall not be permitted.

Student Conduct Board: Each Student Conduct Board hearing shall be conducted before a hearing panel consisting of a minimum of three (3) members of the Student Conduct Board. The Dean of Students or designee shall select the hearing panel from those available for service.

A voting Chair shall be selected from among the members. The Chair shall be responsible for conducting the hearing in an orderly and efficient manner, and for that purpose, may make decisions related to admission of evidence and witness testimony. The purpose of the hearing is to make findings of fact with respect to the matter before the panel and for that reason character witness testimony shall not be permitted.

Section C: Advisors

Students have the right to be accompanied by an advisor of choice to assist them and advise them throughout the investigation process and the student conduct process, including at meetings and hearings. No person can be compelled to be an advisor, and if the student is unable to secure a willing advisor she or he may nonetheless participate in the hearing without an advisor. Members of the University Conduct Board who were not chosen to be on the hearing panel are available to assist students before and during a hearing, but no student is required to select an advisor from this pool.

The advisor may advise the student, but may not participate in the hearing in any other capacity and may not be a witness. An advisor may consult only, and may not participate or be heard at the hearing.

At least two (2) school days prior to the scheduled hearing date, the student shall inform the Office of Student Conduct if he or she intends to utilize an advisor. Advisors may not appear in place of the student.

Section D: Witnesses

No later than two (2) school days prior to the hearing, a student may submit lists identifying the witnesses they expect to present at the hearing to the Office of Student Conduct. A witness may appear at the hearing in person, or may submit a written statement for the panel's consideration. The Chair has the discretion to exclude any witness not previously identified. In the discretion of the University, accommodations for witnesses may be made. The hearing panel may request the appearance of any additional witness it deems appropriate.

Section E: General Provisions for Hearings of Both University Conduct Board and Student Conduct Board

The following general provisions are common elements for Conduct Board hearings:

- At the hearing, a Student Conduct Administrator or Title IX Investigator may serve as the complainant or reporting individual.
- The Chair is responsible for the orderly and proper functioning of all hearings and for ensuring that both parties receive the opportunity to present relevant facts.
- Hearings are to be private and not open to members of the University community or to the public. Conduct Board members are duty-bound to maintain confidentiality. The University anticipates that hearings may be conducted within ninety (90) days of when the incident was documented. Unique circumstances of individual matters may require extension of time frames set forth herein within the discretion of the University.
- All persons attending the proceedings shall conduct themselves in an orderly and respectful manner. Any person who engages in an obstructive, disruptive or disorderly manner in the presence of the hearing panel shall be removed from the hearing room in the sole discretion of the Chair.
- No audio or video recordings of the hearings may be made.
- The University reserves the right to have an attorney as a part of the Conduct Board hearing process.
- If any student does not appear for the hearing at its scheduled time, the hearing shall proceed at the discretion of the Chair.
- Strict conformity to the legal rules of evidence shall not be required at hearings. A finding of responsibility in all matters shall be based on a preponderance of the evidence.
- A student may participate in the hearing directly by their attendance. A student may also participate remotely through video conferencing or by telephone. A student may also choose not to participate, or to submit a written statement for the panel's consideration to substitute for his or her presence.
- All students shall be given the opportunity to address issues related to potential conflicts of interest regarding the panel members selected for the hearing.

Section F: Procedure

The Chair shall explain the function of the hearing, verify that all participants are aware of their rights before the hearing panel, and all participants shall be asked to affirm the truthfulness of their testimony and that providing false information to the hearing panel is a violation in itself.

The Chair shall ask whether there will be any witnesses testifying on behalf of the accused student and the complainant, advise the accused student and the complainant of the right to be present at all stages of the hearing process except deliberation, and read the charges.

A Student Conduct Administrator or Title IX Investigator may separately present the incident report, the charges and, as necessary, any statement submitted on the case. Hearing panel members may separately question the Student Conduct Administrator or Title IX Investigator as appropriate.

The Chair shall offer participants the opportunity to answer relevant questions by any member of the Conduct Board. If a participant refuses to answer any question that question and/or answer may not later be presented as grounds for any appeal.

The respondent and the complainant may call witnesses on his or her behalf even if he or she does not testify.

Participants may question all witnesses who testify at the hearing. Questions shall be submitted to a Conduct Board member, who shall direct them to the witness at the Chair's discretion. Conduct Board members may question witnesses called by the participants.

Witnesses shall not be allowed in the hearing room prior to their testimony. Witnesses shall be asked to affirm the truthfulness of their testimony and informed that providing false information to the hearing panel is a violation of the Student Code of Conduct. All witnesses shall be excused from the hearing room upon completion of their testimony. The Chair shall advise these witnesses that they are not to discuss their testimony outside the hearing room, including during any breaks in the hearing. The members of the Conduct Board may recall any witnesses if needed.

Section G: Deliberation

Upon conclusion of all testimony the Conduct Board shall meet in private to deliberate the matter. The determination of responsibility for violations is decided by a majority vote of the Conduct Board.

Section H: Notification

After the hearing and deliberations have been completed, the Chair shall send written notification of the results of the hearing to the Dean of Students or designee. The Dean of Students or designee shall notify the accused student of the outcome. If the alleged violation involves an allegation of sexual misconduct, both parties shall be notified in writing of the outcome of both the complaint and any appeal.

Section I: Hearing Records

All written records of proceedings are confidential and are property of the University. A copy of material associated with the hearing may be retained by the Division of Student Affairs for seven

(7) years after a student leaves the University at which time all records may be destroyed except records that support a suspension or expulsion.

Appeals of University and Student Conduct

Section A: Right of Appeal

Once the hearing has been completed and a determination has been made the accused student may appeal the finding of responsibility.

In matters involving sexual misconduct, domestic violence, dating violence or stalking, the complainant may also appeal the finding of responsibility.

Section B: Status Pending Appeal

Any sanction imposed shall be effective immediately and shall remain in effect for the duration of the conduct process.

Section C: Standard for Appeals

A decision set forth by the Student Conduct Board or University Conduct Board may be revised or overturned only when it is demonstrated that:

- the student has submitted or presented information that indicates an omission in the Student Conduct Process that may have affected the final outcome of the board's decision; or
- there is new evidence which did not exist at the time of the hearing that would have a bearing on the Board's original findings.

Section D: Timing of Appeal

A student wishing to appeal must provide notice to the Dean of Students or designee in writing within five (5) days of delivery of the decision letter. A student preparing an appeal is entitled to review all materials submitted to the Conduct Board, provided the student agrees to keep the information confidential. Review of materials must be done by appointment with the Dean of Students or designee.

Within fifteen (15) days of delivery of the decision letter, a detailed written appeal must be submitted to the Dean of Students or designee for review. The appeal shall specify the grounds for the appeal. A student who fails to file a notice of appeal and a written submission within the times specified waives the right to appeal.

The Dean of Students or designee, upon receipt of the detailed written appeal, may refer the appeal to the Student Conduct Appeal Board or the University Conduct Appeal Board, depending on which hearing body heard the matter originally.

Section E: Composition

The Student Conduct Appeal Board shall consist of the Dean of Students or designee, functioning as the Chair with the power to vote.

The University Conduct Appeal Board shall consist of three (3) members; the Chair with the power to vote, and two (2) additional panel members. The two additional panel members cannot have served on the panel that issued the decision being appealed.

Section F: General Provisions

The following general provisions are common elements of appeals:

- Parties are responsible for strict adherence to all deadlines and procedures for the filing and processing of appeals.
- Failing to present information or witnesses that were known to the student at the time of the original hearing shall not be considered new evidence.
- The burden is on the appealing student.
- The appealing student does not ordinarily appear at the review; however, the University reserves the right to request that the student meet with the Appeal Board before the Appeal Board makes a decision.

Section G: Outcomes of Appeals

Should an Appeal Board determine that neither Standard for Appeal has been met, the student shall be informed in writing of the decision. Once it has been determined that the appeal fails to meet these Standards, the matter is concluded.

Should an Appeal Board determine that one or both of the Standards for Appeal have been satisfied, that Board shall:

- dismiss the finding;
- modify the finding; or
- refer the matter to the appropriate hearing body for further review.

University Sanctions

Section A: General Provisions

The sanctions listed below are imposed by the Office of Student Conduct to hold students accountable for conduct violations. Ordinarily, previous offenses will be considered by student conduct administrators in determining sanctions. More than one (1) of the sanctions listed below may be imposed for any single violation.

The complainant may provide an impact statement to the Dean of Students or designee when there is a finding of responsibility regarding an allegation of violence, including but not limited to domestic violence, dating violence, stalking or sexual assault. This statement may be provided while the Dean of Students or designee is deliberating on appropriate sanctions.

Section B: Sanctions

Other than expulsion, or violations associated with violent behavior resulting in suspension from the University, sanctions shall not be made part of a student's permanent academic record, but shall become part of the student's disciplinary record. The following sanctions may be imposed upon any student found to have violated the Student Code of Conduct.

Formal Warning: A formal University warning for the decision to violate the Student Code of Conduct and/or Residence Hall Policies and Procedures.

Fines: Previously established fines for various conduct violations will be billed directly to a student's account.

Restitution: Financial compensation for losses or damages.

Discretionary Sanctions: Community service work, reflection papers, behavioral contracts and other discretionary and educational responses.

Service or Educational Assignment: The requirement that a student performs some service or engages in some activity having some relationship to the conduct violation that would benefit both the student and the community.

Written Assignment: The requirement that a student reflects upon his or her behavior through a written assignment, that may include a reflection regarding how behavior relates to St. John's University's Core Values and Vincentian mission or research that helps the student understand why a policy or restriction has been adopted by the University.

Housing Probation: Housing Probation is for a designated period of time. Any violation of the Student Code of Conduct while on housing probation – no matter how minor – may result in additional sanctions. These sanctions may include (but are not limited to) temporary or permanent separation of the student from University-managed living properties, suspension or expulsion.

Disciplinary Probation: Disciplinary Probation is for a designated period of time. Any violation of the Student Code of Conduct while on disciplinary probation—no matter how minor—may result in additional sanctions. These sanctions may include, but are not limited to, suspension or expulsion.

Loss of Privileges: Denial of specific privileges for a designated period of time.

University Premises Restrictions: Separation (temporary or permanent) of the student from University-managed living properties or other University premises. Students who are temporarily restricted shall be allowed to return after a designated period of time. Conditions for return may be specified.

Suspension from the University: Separation of the student from the University for a definite period of time (no less than one semester), after which the student may be eligible to return. Conditions for return may be specified. Suspension from the University means that the student is not allowed to attend class, participate in any University programs or events or be on University property, unless permission to do so is specifically authorized by the Dean of Students or designee. A record of suspension associated with a crime of violence as defined in the [Jeanne Clery Act](#) shall be placed on the student's official transcript. Tuition and fees are forfeited.

Dismissal from the University: Permanent separation of the student from the University. Dismissal from the University means that the student is not allowed to attend class, participate in any University programs or events or be on University property. The individual shall not thereafter visit on the University grounds. Dismissed students forfeit any tuition and fees they may have paid and are not permitted to apply to St. John's University for student admission or employment at any time in the future.

Expulsion from the University: Permanent separation of the student from the University. Expulsion from the University means that the student is not allowed to attend class, participate in any University programs or events or be on University property. The individual shall not thereafter visit on the University grounds. A record of expulsion associated with a crime of violence as defined in the [Jeanne Clery Act](#) shall be placed on the student's official transcript. Expelled students forfeit any tuition and fees they may have paid and are not permitted to apply to St. John's University for student admission or employment at any time in the future.